

HOUSE BILL 3206

By Alexander

AN ACT to amend Tennessee Code Annotated, Title 36;  
Title 37 and Title 39, relative to termination of one  
parent's parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(b), is amended by designating the current language as subdivision (b)(1), and by adding the following as a new subdivision (b)(2):

(2) A parent shall have standing to file a petition pursuant to this part or title 37 to terminate parental or guardianship rights of a person alleged to be another parent or guardian of the child.

SECTION 2. Tennessee Code Annotated, Section 36-1-113(d)(3), is amended by deleting subdivision (C) and by substituting instead the following:

(C) The petition to terminate, or the adoption petition that seeks to terminate parental rights, shall state that:

(i) The petition or request for termination in the adoption petition shall have the effect of forever severing all of the rights, responsibilities, and obligations of the parent(s) or guardian(s) to the child who is the subject of the order, and of the child to those parent(s) or guardian(s);

(ii)

(a) The child will be placed in the guardianship of other person, persons or public or private agencies who, or that, as the case may be, shall have the right to adopt the child, or to place the child for adoption and to consent to the child's adoption; or

(b) The rights of one parent will be terminated and the child will remain in the full custody and control of another parent who shall retain the full rights, responsibilities and obligations of parenthood; and

(iii) The parent or guardian whose rights are terminated shall have no further right to notice of proceedings for the adoption of the child by other persons and that parent or guardian shall have no right to object to the child's adoption or thereafter, at any time, to have any relationship, legal or otherwise, with the child.

SECTION 3. Tennessee Code Annotated, Section 36-1-113(g), is amended by adding the following language to the end of subdivision (5):

provided, for purposes of this subdivision (g)(5), "child" also includes a child in utero where a parent or guardian, who is not carrying the child, committed the conduct against the child who is the subject of the petition;

SECTION 4. Tennessee Code Annotated, 36-1-113(g), is further amended by adding the following as a new, appropriately designated subdivision:

( ) The person has failed to manifest an ability and willingness to assume legal and physical custody of the child and placing custody of the child in the person's legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child;

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.